



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MEETING – SEPTEMBER 4, 2007

SUMMARY MINUTES¹

September 4, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

**Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Maeley Tom, Member
Richard Costigan, Member**

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

A. Karen Brandt has commenced her duties as the Chief ALJ.

B. The new Staff Services examination is on-line. To date, approximately 13,000 candidates have taken the exam. 7,583 candidates have passed the exam. There are approximately 6 candidates in the first three ranks (due to veterans preference points). There are 1,411 candidates in rank 4.

C. Applications for the Staff Services Manager I examination closed last week. SPB staff worked with Health and Human Services Agency staff in developing and implementing the exam. The exam will be conducted on October 13, 2007, in 14 cities. 3,481 candidates have applied to take the exam, 3,039 of whom are current state employees.

D. The SPB has issued a new Pinkie that sets forth the expanded criteria for allowing the transfer of list eligibility.

E. Susan Garrett –Dukes has been hired as the project manager for the Human Resources Modernization project. Her employment starts on October 1, 2007.

F. The Little Hoover Commission has been briefed on the Human Resources Modernization project and is supportive of its goals.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

G. The Executive Officer met with executive staff from the Franchise Tax Board, who expressed an interest in serving as pilot projects for Human Resources Modernization programs.

H. The State has exceeded its goals for awarding contracts to minority-owned small businesses (32% awarded, 25% goal), and to disabled veteran-owned small businesses (4.03% awarded, 3% goal).

I. Member Tom instructed staff to schedule meetings between Member Tom and departmental equal employment opportunity officers in order to address their concerns regarding a perceived

3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
– **DPA Representative**

NONE PRESENTED

4. Report of CPS HUMAN RESOURCE SERVICES
– **Jerry Greenwell, Chief Executive Officer**

A. CPS has entered into a one-year contract with the SPB to conduct examinations for interpreters. Most recruitment has occurred by word of mouth through current interpreters.

B. The Department of Social Services and the Department of Child Support Services continue to request that the Local Agency Personnel Standards (LAPS) regulations be revised to loosen recruiting standards.

C. Although compensation continues to be a problem, it is not the primary problem in recruiting individuals from outside state service. CPS recommends that greater emphasis be placed on internet-based recruiting and examination procedures, and that greater flexibility be implemented to enhance transfer opportunities within the state service.

D. The general public does not understand the difference between an examination and a job posting. Efforts should be made to combine the process into a seamless, one-stop application.

5. REPORT OF THE CHIEF COUNSEL – Elise Rose

A. The superior court upheld the Board's decision in Chase v. SPB, finding that an employee can be disciplined for disclosing confidential department documents to his union representative.

B. The superior court upheld the Board's decision in Seifert v. SPB, in which the SPB upheld a California Highway Patrol Officer's dismissal for dishonesty.

C. The California Supreme Court issued its decision in Green v. State of California, finding that the plaintiff bears the burden of proving s/he is a “qualified” individual with a disability in disability discrimination cases. FEHC regulations may have to be modified as a result of the decision.

D. The California Supreme Court issued its decision in POST v. Superior Court, finding that a peace officer’s dates of employment, employer, and name are all public record. A companion case confirmed that salary was also disclosable.

E. A petition for review has been accepted by the California Supreme Court for review. The court will address the issue of whether the provisions of a collective bargaining agreement that require the state to first attempt to hire public employees, before entering into personal services contracts constitutional under Proposition 35.

F. The Attorney General has requested permission to file an amicus brief in support of CASE in CASE v. DPA.

G. In Davis v. LAUSD, the court found that back pay is not an appropriate remedy for a reinstated employee in those instances where the employee cannot establish that he was ready, willing and able to work during the time that he was off work.

H. The Office of Administrative Law has reconstituted its program that examines whether departments are utilizing underground regulations. SPB staff will attend OAL training on the subject.

I. The Chief Counsel attended the State & Consumer Services Agency’s (SCSA) Chief Counsel’s meeting. Leslie Lopez, formerly with the Office of the Attorney General is the new chief counsel for SCSA.

6. NEW BUSINESS

NONE

7. REPORT ON LEGISLATION – Sherry Evans

A. AB 671. SPB staff met with the author, who agreed to scale the program down to a program for 100 emancipated foster youth per year, in several entry-level classifications. The author agreed to a sunset provision in the bill, and the bill is now scheduled as a 2-year bill that will be reassessed in the next legislative year. The author is also looking at brining more developmentally disabled persons into the LEAP.

B. Staff will present legislative proposals to the Board for its consideration during the October 2007 meeting.

8. **PUBLIC HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)**
– Bruce Monfross, State Personnel Board

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

9. **ORAL ARGUMENT**

In the matter of **CASE NO. 03-3412PA**. Appeal from rejection during probation. Correctional Counselor II (Supervisor). Department of Corrections and Rehabilitation.

Steve Jennings, Staff Counsel III, Department of Corrections and Rehabilitation representing the department.

Janice Shaw, Staff Legal Counsel, CCPOA, representing appellant.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

11. **ORAL ARGUMENT**

In the matter of **CASE NO. 05-1285A**. Appeal from dismissal. Public Safety Dispatcher II. Department of the California Highway Patrol.

Scott Wyckoff, Deputy Attorney General, Department of Justice, representing department.

Kasey Clark, Chief Legal Counsel, CSLEA, representing appellant.

ACTION: SUBMITTED

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

12. ORAL ARGUMENT

In the matter of **CASE NO. 06-0738A**. Appeal from dismissal. Correctional Sergeant. Department of Corrections and Rehabilitation.

David Barlow, Staff Counsel, Department of Corrections and Rehabilitation, representing department.

Christine Albertine, Assistant Chief Counsel, CCPOA, presenting appellant.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

14. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT NO. 06-03, CASE NO. 07-0806PA**. Appeal in the matter of the Executive Officer's disapproval of Unarmed Security Guard Services contract. Department of the California Highway Patrol.

Neal O'Donnell, Attorney, representing Inter-Con Security

Anne Giese, Attorney, representing SEIU Local 1000

Daniel Rounds, Research Coordinator, representing SEIU Local 1000

ACTION: SUBMITTED

15. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.

Timothy Ford, Attorney, Department of Health Services, representing department
Anne Giese, Attorney, representing SEIU

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

17. RECOGNITION: STAFF SERVICES ANALYST EXAMINATION

The five-member State Personnel Board wishes to show their appreciation to the following individuals from the Employment Development Department (EDD), Department of Mental Health (DMH), Department of Social Services (DSS), California State Teacher's Retirement System (CalSTRS), Department of Transportation (Caltrans), Department of Water Resources (DWR), Department of Personnel Administration (DPA), SEIU Local 1000, the Executive Fellowship Program (EFP) and the State Personnel Board (SPB). These individuals have partnered with SPB this year and have helped to make it possible for us to move forward with the revisions to the Staff Services Analyst Examination.

**Rick Black, SPB
Jerad Blair, SPB
Steve Brown, SPB
Michael Brunette, SPB
Karen Coffee, SPB
Greg Collet, SPB
Scott Crouch, SPB
Erica Davalos, SPB
Satina Davis, SPB
Josie Fernandez, DPA
Loida Flores, SPB
Christine Ford, CalSTRS
Robert Garcia, DSS
Rosie Jauregui, SPB
Linda MacCracken, SPB
Margarita Maldonado, SEIU
Kirsten Malme, SPB
Isaiah Mall, SPB
Tim Hodson, EFP
Linda Houck, SPB
Cynde Jones, DMH
Neal Johnson, SEIU**

**Scott Levine, SPB
Pat Lujan, EDD
Karen Lynch, DPA
Kathleen O'Connor, SEIU
Judy O'Day, Caltrans
Carol Ong, SPB
Kolleen Ostgaard, EFP
Daisy McKenzie, SPB
Christine Murrell, SPB
Roberta Nishimura, SPB
April Partington, SPB
Kirk Patton, SPB
Larry Perkins, SEIU
Rachel Pollock, SPB
Sharon Planchon, DSS
Julia Shelmire, SPB
Terry Silva, SPB
Matthew Stanley, SPB
Mike Strazzo, DWR
Becky Tietz, SPB
Lisa Torres, EDD
Colin Wallace, SPB**

Susan Wilke, SPB
Donna Terrazas, SPB
Debbie True, DPA

Kevin Tse, SPB
Daryll Tsujihara, DPA
Candy Zonneveld, SPB

ACTION: NOTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

19. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

20. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

21. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

22. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

23. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF SEPTEMBER 24, 2007, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS

24. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 4, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

25. **EVIDENTIARY CASES**

ACTION: See Case Listings on Pages 15-26

26. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 33-34)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

27. **NON-EVIDENTIARY CASES**

ACTION: See Case Listings on Pages 26-30

28. **NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On September 4, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

TAX AUDITOR, EMPLOYMENT DEVELOPMENT DEPARTMENT

The Employment Development Department proposes a correction to the Tax Auditor, Employment Development Department deep class board item to address information that was inadvertently omitted from the original item dated January 23, 2007.

COMMUNICATIONS AND WARNING OFFICER, OFFICE OF EMERGENCY SERVICES

The Office of Emergency Services is proposing the reestablishment of the Communications and Warning Officer, Office of Emergency Services classification. This classification was inadvertently abolished effective May 23, 2006. There are no changes being proposed to the abolished classification specification.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

29. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

30. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the MINUTES serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, RESEARCH SERVICES & DATA DEVELOPMENT BRANCH

The Department of Social Services proposes to allocate the above position to the CEA category. The Chief, Research Services and Data Development Branch, will develop research and data management policies and procedures to insure the integrity of research being considered is in the best interest of the Department's programs, oversee the research design, implementation, analysis and administration of demographic projects and advise and assist on projects for various departments and agencies.

DEPUTY DIRECTOR, PLAN AND PROVIDER RELATIONS

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Deputy Director, Plan & Provider Relations, is responsible for fostering proactive and affective relations between the Department and all California Knox-Keene Act licensed health plans and provider issues, as well as providing strategic planning and policy direction on emerging issues and industry trends.

DEPUTY DIRECTOR, HEALTH CARE CONTRACTS OPERATIONS BRANCH

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, Health Care Contracts Operations Branch, has full responsibility and accountability for the overall policies, planning, organization, and direction and administration of health care related contracts for the CDCR adult institutions.

CHIEF OF HUMAN RESOURCES PLANNING AND INNOVATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Human Resources Planning and Innovation, serves as the Project Director of the CDCR, Health Care Division, HR Modernization efforts, including a comprehensive reform of civil service processes and practices that are linked to an aligned with workforce planning strategies and information, and strategic business plans.

CHIEF OF SUPPORT OPERATIONS, CA STATE PRISON

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Support Operations will be responsible for policy formulation and implementation to carry out the administrative functions of the Medical Department of California State Prison, San Quentin. The Chief of Support Operations will also act as the primary policy advisor and provide high-level advice to the Healthcare Manager.

CHIEF, ENTERPRISE RISK MANAGEMENT

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Enterprise Risk

Management serves as the department's principal advisor in the formulation, implementation, and evaluation of departmental policies and programs relating to enterprise risk management, as well as the principal policymaker of the Enterprise Risk Management Program implementation.

CHIEF, FISCAL MANAGEMENT SECTION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Fiscal Management is responsible for providing oversight for the newly established Fiscal Management Section which is responsible for overseeing the Medical Program's budget. The Chief will also be responsible for overseeing the development of a training plan for budget analysts in the field and at headquarters, as well as establishing policies and procedures as it related to fiscal processes for the medical program.

COMMUNICATIONS DIRECTOR

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Director of Communications is responsible for developing and maintaining a comprehensive media plan, and creating and managing policies and practices to implement the plan on an ongoing basis.

DIRECTOR, WATER QUALITY DATA PROGRAMS (WQPD)

The State Water Resources Control Board proposes to allocate the above position to the CEA category. The Director of Water Quality Data Programs will develop technological solutions and revised short and long-term strategies designed to improve and enhance the Board's various WQPD.

CHIEF, STRATEGIC PLANNING, POLICY AND RESEARCH

The Department of General Services proposes to allocate the above position to the CEA category. The Chief of Strategic Planning, Policy and Research formulates department goals and policies for action, trends and sensitive issues, is responsible for gathering and assessing data, conducting research studies and developing comprehensive strategic and business plans involving representatives from state and federal level agencies, local and private enterprises, as well as independent-private sector consultants.

DEPUTY DISTRICT DIRECTOR, PROGRAM/PROJECT MANAGEMENT

The Department of Transportation proposes to allocate the above position to the CEA category in District 8 (Riverside/San Bernardino). The Deputy District Director, Program/Project Management will develop and implement policies related to Project Management, Project Management Support, Program Management and Capital Outlay Management Support.

ASSISTANT DIRECTOR, CLIMATE CHANGE INITIATIVES

The California Energy Commission proposes to allocate the above position to the CEA category. The Assistant Director, Climate Change Initiatives will oversee and coordinate the Energy Commission's policy development and program efforts relating to the issues of climate change and greenhouse gas emissions.

CHIEF, OFFICE OF THE OMBUDSMAN

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Office of the Ombudsman will implement statewide policies, manage and direct the legislatively mandated departmental Ombudsman Program and serve as the Special Advisor to the Undersecretary.

GENERAL COUNSEL

The Employment Development Department proposes to allocate the above position to the CEA category. The General Counsel will develop and implement policies and provide legal advice and counsel to the Employment Training Panel and Executive Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF, CONSULTING SERVICES DIVISION, STATE PERSONNEL BOARD

The State Personnel Board's request to allocate the above position has been approved effective July 18, 2007.

CHIEF, 21ST CENTURY PROJECT, STATE PERSONNEL BOARD

The State Personnel Board's request to allocate the above position has been approved effective July 25, 2007.

DIRECTOR OF CUSTOMER SERVICE, STATE TEACHER'S RETIREMENT SYSTEM

The State Teacher's Retirement System's request to allocate the above position has been approved effective July 31, 2007.

DIRECTOR OF CLIENT OUTREACH AND GUIDANCE, STATE TEACHER'S RETIREMENT SYSTEM

The State Teacher's Retirement System's request to allocate the above position has been approved effective July 31, 2007.

DEPUTY DIRECTOR, REGIONAL WATER PLANNING AND MANAGEMENT, DEPARTMENT OF WATER RESOURCES

The Department of Water Resources' request to allocate the above position has been approved effective August 9, 2007.

DEPUTY DIVISION CHIEF, DIVISION OF LAND RESOURCE PROTECTION, DEPARTMENT OF CONSERVATION

The Department of Conservation's request to allocate the above position has been approved effective August 10, 2007.

ASSISTANT DEPUTY STATE CONTROLLER, OFFICE OF THE STATE CONTROLLER

The Office of the State Controller's request to allocate the above position has been approved effective August 16, 2007.

ACTION: NOTED

31. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

32. WRITTEN STAFF REPORT FOR BOARD INFORMATION

Annual Report to the Legislature – 2006 Discrimination Complaint Activity in the State Civil Service

This report is prepared to comply with Government Code Section 19702.5(c), which requires the Board to annually report to the Legislature on discrimination complaint activity in the state civil service. State Departments are required to submit information to the Board on a quarterly basis. The EEO Office of each department typically provides the data. The information requested includes internal formal and informal discrimination complaints as well as formal complaints filed directly with the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission. In addition, Appeals cases involving discrimination are also integrated into this report.

ACTION: NOTED

33. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE: PRESENTED

34. BOARD ACTIONS ON SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

ACTION: See Minutes on Pages 31-32

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 25 – 27 AS NOTED

25. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On September 4, 2007, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued.

Pending oral argument May 8, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision revoking appellant's rejection during probationary period from the position of Parole Agent I (Academy Cadet) with the Department of Corrections and Rehabilitation.

(3) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 06-1338A

Appeal from rejection during probation

Classification: Industrial Relations Counsel III (Specialist)

Department: Department of Industrial Relations

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision revoking appellant's rejection during probationary period from the position of Industrial Relations Counsel III (Specialist) with the Department of Industrial Relations.

(5) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(6) CASE NO. 06-1485

Proposed decision taken under submission August 7, 2007.

ACTION: The Board adopted the Proposed Decision, but modified the penalty to a suspension for three working days.

B. CASES PENDING

ORAL ARGUMENTS

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

- (1) CASE NO. 03-3412PA**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED
- (2) CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol
ACTION: SUBMITTED
- (3) CASE NO. 06-0738A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: After oral argument, the Board adopted the Proposed Decision sustaining appellant's dismissal.
- (4) PSC No. 06-03, CASE NO. 07-0806PA**
Appeal from Executive Officer's disapproval of contract
Classification: Unarmed Security Guard Services
Department: Department of California Highway Patrol
ACTION: The Board remanded the case for assignment to the evidentiary hearing process.
- (5) PSC No. 07-02, CASE NO. 07-003(b)**
Appeal from Executive Officer's disapproval of contract
Classification: Janitorial Services

Department: Department of Health Services

ACTION: The Board took the case under submission, pending the issuance of the Executive Officer's decision in SPB File No. 07-002(a).

C. CHIEF COUNSEL RESOLUTIONS

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

(1) DEC. NO. 07-02

Appeal from rejection during probation

Classification: Health Project Manager I

Department: Department of Health Services

ACTION: The Board issued a Resolution clarifying it's previous precedential decision, issued by the Board on July 10, 2007, to specify that in those cases where the Board revokes a rejection during probationary period, back pay is awarded pursuant to the provisions of Government Code Section 19180, not Section 19184.

(2) CASE NO. 05-1647

Withhold Appeal

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

Request for Order to Show Cause against the Department of Corrections and Rehabilitation

ACTION: The Board issued a Resolution denying appellant's request for an Order to Show Cause against the Department of Corrections and Rehabilitation.

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

Vote: Harrigan, Sheehan, Tom, Clarey, Costigan

- (1) **CASE NO. 05-3561**
Appeal from dismissal
Classification: CHP Sergeant
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (2) **CASE NO. 07-0912**
Appeal from dismissal
Classification: Senior Psychiatric Technician (Safety)
Department: Department of Mental Health
ACTION: The Board adopted the ALJ's Proposed Decision revoking the dismissal.
- (3) **CASE NO. 06-1067**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (4) **CASE NO. 06-3710**
Appeal from termination
Classification: Child Support Specialist II
Department: Department of Child Support Services
ACTION: The Board adopted the Proposed Decision, but clarified that Trinity County is required to comply with the requirements of 2 Cal. Code Regs., Section 17657, prior to implementing an alternative disciplinary review procedure.
- (5) **CASE NO. 06-3702**
Appeal from non-punitive termination
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the non-punitive termination.
- (6) **CASE NO. 06-2880**
Appeal from suspension for 48 working days
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision modifying the suspension.

(7) CASE NO. 07-0001

Appeal from suspension for 48 work days

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.

(8) CASE NO. 06-1241

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (9) **CASE NO. 05-0678E & 05-1925E**
Appeal from discrimination and merit issue complaint
Classification: Senior Civil Engineer
Department: Department of Parks and Recreation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the discrimination complaint and the merit issue complaint.
- (10) **CASE NO. 07-1055**
Appeal from five percent reduction in salary for eight months
Classification: Stationary Engineer
Department: Department of Health Services
ACTION: The Board adopted the ALJ's Proposed Decision revoking the five percent reduction in salary for eight months.
- (11) **CASE NO. 06-2727**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (12) **CASE NO. 07-0642**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (13) **CASE NO. 07-0857**
Appeal from ten percent reduction in salary for twelve months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the Proposed Decision, except for that portion of the Proposed Decision that found that appellant's conduct constituted legal cause for discipline under Government Code section 19572, subdivisions (b) and (c).
- (14) **CASE NO. 07-0386**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the Proposed Decision, but modified the penalty to a suspension through September 30, 2007.

- (15) **CASE NO. 05-1590**
Appeal from dismissal
Classification: Supervisor of Correctional Education Programs
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal to a demotion.
- (16) **CASE NO. 03-2960E**
Appeal of retaliation
Classification: Associate Warden
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the retaliation complaint.
- (17) **CASE NO. 07-1183**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (18) **CASE NO. 07-1687**
Appeal from 5 day suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision.

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

- (1) **CASE NO. 07-0317P**
Appeal from rejection during probation
Classification: Correctional Supervising Cook (Correctional Facility)
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (2) **CASE NO. 05-3049EP**
Appeal from denial of discrimination/reasonable accommodation complaint
Classification: Senior Vocational Rehabilitation Counselor
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 06-2222P**
Appeal from dismissal
Classification: Parole Agent II
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (4) **CASE NO. 06-2437P**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (5) **CASE NO. 05-3008P**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: Petition for rehearing denied.
- (6) **CASE NO. 05-2388EP**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - aye

- (1) CASE NO. 03-3412PA**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.
Transcript prepared.
Pending oral argument July 10-11, 2007, Sacramento.
Oral argument continued.
Pending oral argument September 4, 2007, Sacramento.
ACTION: SUBMITTED
- (2) CASE NO. 06-3534A**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.
Pending transcript.
NO ACTION
- (3) CASE NO. 06-3014PA**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
NO ACTION
- (4) CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Transcript prepared.
Pending oral argument June 5, 2007, Sacramento.

Oral argument continued.

Pending oral argument September 4, 2007, Sacramento.

ACTION: SUBMITTED

(5) CASE NO. 05-1432E

Appeal from denial of sexual harassment complaint

Classification: Health Facilities Evaluator Nurse

Department: Department of Health Services

Proposed decision rejected June 5, 2007.

Transcript prepared.

Pending oral argument November 6-7, 2007, San Diego.

NO ACTION

(6) CASE NO. 05-3327A

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Pending transcript.

NO ACTION

(7) CASE NO. 06-0738A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 18, 2007.

Transcript prepared.

Pending oral argument September 4, 2007, Sacramento.

ACTION: The Board adopted the Proposed Decision sustaining appellant's dismissal.

(8) CASE NO. 06-1413PA

Appeal from five percent reduction in salary for six months

Classification: Registered Nurse

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.

Pending transcript

NO ACTION

(9) CASE NO. 07-1381A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.

Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
NO ACTION

(10) CASE NO. 05-1043P

Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
NO ACTION

(11) PSC No. 06-03, CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security
Guard Services
Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.
Pending oral argument September 4, 2007, Sacramento.
ACTION: SUBMITTED

27. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On September 4, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

(1) CASE NO. 06-1718N

Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability, omitted pertinent information during the selection process, negative law enforcement contacts, negative employment record.
ACTION: DENIED

(2) CASE NO. 06-1176N

Classification: Behavior Specialist I
Department: Department of Mental Health
Issue: Suitability; minimum qualifications.
ACTION: DENIED

(3) CASE NO. 06-2497N

Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: DENIED

(4) CASE NO. 06-2417N

Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: DENIED

(5) CASE NO. 06-2172N

Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; provided inaccurate information, omitted information and a negative employment record.
ACTION: DENIED

(6) CASE NO. 06-2496N

Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information, negative law enforcement contacts and failure to meet legal obligations.
ACTION: DENIED

(7) CASE NO. 06-1965N

Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: DENIED

(8) CASE NO. 06-2935N

Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation

Issue: Suitability; provided inaccurate information and a negative employment record.

ACTION: DENIED

(9) CASE NO. 05-3677N

Classification: Motor Vehicle Field Representative

Department: California Department of Motor Vehicles

Issue: Suitability; negative law enforcement contacts.

ACTION: DENIED

(10) CASE NO. 06-2406N

Classification: Cadet, CHP

Department: California Highway Patrol

Issue: Suitability; omitted pertinent information.

ACTION: DENIED

- **CASE NO. 07-0771N**

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: DISMISSED

- **CASE NO. 07-0281N**

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: DISMISSED

- **CASE NO. 06-3162N**

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: DISMISSED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On September 4, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

(1) CASE NO. 06-1943N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: The appellant was medically disqualified due to not meeting the medical standards needed to perform the duties of the job.

ACTION: DENY

(2) CASE NO. 05-4389N

Classification: CHP, Cadet

Department: California Highway Patrol

Issue: The appellant does not meet the minimum psychological qualification standards for state peace officer employment under Government Code § 1031(f), due to poor self-confidence, low assertiveness, poor command presence and nervousness, characteristics that would significantly interfere with the performance of CHP, Cadet.

ACTION: DENY

• **CASE NO. 07-0239N**

Classification: Cadet CHP

Department: California Highway Patrol

ACTION: DISMISSED

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On September 4, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 06-2085N**
Classification: Associate Governmental Program Analyst
CASE NO. 06-2083N
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Issue: The charging parties request charges be filed against the charged party for violations of various subsections of Government Code § 19572.
ACTION: DENIED
- (2) **CASE NO. 06-2060N**
Classification: N/A
Department: California Office of Emergency Services
Issue: The charging party requests charges be filed against the charged parties for violations of various subsections of Government Code § 19572.
ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a) (Hearing held July 10, 2007.)

NO ACTION

7. CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)

NO ACTION

8. CASE NO. 06-0760A

Appeal from rejection during probation. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument held July 10, 2007.)

ACTION: The Board issued a non-precedential decision revoking appellant's rejection during probationary period from the position of Parole Agent I (Academy Cadet) with the Department of Corrections and Rehabilitation.

9. PERSONAL SERVICES CONTRACT NO. 07-01. Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held July 10, 2007.)

ACTION: The Board issued a decision disapproving ten proposed or executed contracts promulgated by the Department of the California Highway Patrol for janitorial services.

10. CASE NO. 06-3023A. Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)

NO ACTION

11. CASE NO. 06-1338A. Appeal from rejection during probation. Industrial Relations Counsel III (Specialist). Department of Industrial Relations. (Oral argument held on August 7, 2007.)

ACTION: The Board issued a non-precedential decision revoking appellant's rejection during probationary period from the position of Industrial Relations Counsel III (Specialist) with the Department of Industrial Relations.

12. CASE NO. 06-2010A. Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)

NO ACTION

13. CASE NO. 06-1485. Withhold Appeal. Correctional; Lieutenant. Department of Corrections and Rehabilitation. (Proposed decision taken under submission August 7, 2007.)

ACTION: The Board adopted the Proposed Decision, but modified the penalty to a suspension for 3 working days. The Chief Counsel's Office shall prepare the Resolution adopting the Proposed Decision.

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

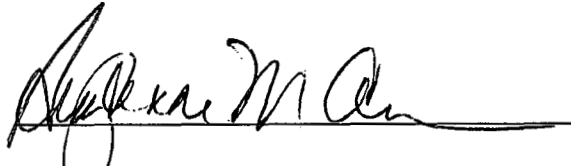
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on October 9, 2007.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

A handwritten signature in black ink, appearing to read 'Suzanne M. Ambrose', written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board